

107TH CONGRESS
1ST SESSION

S. 1800

To strengthen and improve the management of national security, encourage Government service in areas of critical national security, and to assist government agencies in addressing deficiencies in personnel possessing specialized skills important to national security and incorporating the goals and strategies for recruitment and retention for such skilled personnel into the strategic and performance management systems of Federal agencies.

IN THE SENATE OF THE UNITED STATES

DECEMBER 11, 2001

Mr. DURBIN (for himself, Mr. THOMPSON, Mr. AKAKA, and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To strengthen and improve the management of national security, encourage Government service in areas of critical national security, and to assist government agencies in addressing deficiencies in personnel possessing specialized skills important to national security and incorporating the goals and strategies for recruitment and retention for such skilled personnel into the strategic and performance management systems of Federal agencies.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Homeland Security
3 Federal Workforce Act”.

4 **SEC. 2. FINDINGS, PURPOSE, AND EFFECT OF LAW.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) The security of the United States requires
8 the fullest development of the intellectual resources
9 and technical skills of its young men and women.

10 (2) The security of the United States depends
11 upon the mastery of modern techniques developed
12 from complex scientific principles. It depends as well
13 upon the discovery and development of new prin-
14 ciples, new techniques, and new knowledge.

15 (3) The United States finds itself on the brink
16 of an unprecedented human capital crisis in Govern-
17 ment. Due to increasing competition from the pri-
18 vate sector in recruiting high-caliber individuals,
19 Government departments and agencies, particularly
20 those involved in national security affairs, are find-
21 ing it hard to attract and retain talent.

22 (4) The United States must strengthen Federal
23 civilian and military personnel systems in order to
24 improve recruitment, retention, and effectiveness at
25 all levels.

1 (5) The ability of the United States to exercise
2 international leadership is, and will increasingly con-
3 tinue to be, based on the political and economic
4 strength of the United States, as well as on United
5 States military strength around the world.

6 (6) The Federal Government has an interest in
7 ensuring that the employees of its departments and
8 agencies with national security responsibilities are
9 prepared to meet the challenges of this changing
10 international environment.

11 (7) In January 2001, the General Accounting
12 Office reported that, at the Department of Defense
13 “attrition among first-time enlistees has reached an
14 all-time high. The services face shortages among
15 junior officers, and problems in retaining intelligence
16 analysts, computer programmers, and pilots.” The
17 General Accounting Office also warned of the Immi-
18 gration and Naturalization Service’s “lack of staff to
19 perform intelligence functions and unclear guidance
20 for retrieving and analyzing information.”

21 (8) The United States Commission on National
22 Security also cautioned that “the U.S. need for the
23 highest quality human capital in science, mathe-
24 matics, and engineering is not being met.” The
25 Commission wrote, “we must ensure the highest cal-

1 iber human capital in public service. U.S. national
2 security depends on the quality of the people, both
3 civilian and military, serving within the ranks of
4 government.”

5 (9) The events on and after September 11th
6 have highlighted the weaknesses in the Federal and
7 State government’s human capital and its personnel
8 management practices, especially as it relates to our
9 national security.

10 (b) PURPOSES.—It is the purpose of this Act to—

11 (1) provide attractive incentives to recruit capa-
12 ble individuals for Government and military service;
13 and

14 (2) provide the necessary resources, account-
15 ability, and flexibility to meet the national security
16 educational needs of the United States, especially as
17 such needs change over time.

18 (c) EFFECT OF LAW.—Nothing in this Act, or an
19 amendment made by this Act, shall be construed to affect
20 the collective bargaining unit status or rights of any Fed-
21 eral employee.

1 **TITLE I—PILOT PROGRAM FOR**
2 **STUDENT LOAN REPAYMENT**
3 **FOR FEDERAL EMPLOYEES IN**
4 **AREAS OF CRITICAL IMPOR-**
5 **TANCE**

6 **SEC. 101. STUDENT LOAN REPAYMENTS.**

7 Subchapter VII of chapter 53 of title 5, United States
8 Code, is amended by inserting after section 5379, the fol-
9 lowing:

10 **“§ 5379A. Pilot program for student loan repayment**
11 **for Federal employees in areas of critical**
12 **importance**

13 “(a) DEFINITIONS.—In this section:

14 “(1) AGENCY.—The term ‘agency’ means an
15 agency of the Department of Defense, the Depart-
16 ment of State, the Department of Energy, the De-
17 partment of the Treasury, the Department of Jus-
18 tice, the National Security Agency, and the Central
19 Intelligence Agency.

20 “(2) NATIONAL SECURITY POSITION.—The
21 term ‘national security position’ means an employ-
22 ment position determined by the Director of the Of-
23 fice of Personnel Management for the purposes of
24 the Pilot Program for Student Loan Forgiveness in
25 Areas of Critical Importance established under this

1 section, in consultation with an agency, to involve
2 important homeland security applications.

3 “(3) STUDENT LOAN.—The term ‘student loan’
4 means—

5 “(A) a loan made, insured, or guaranteed
6 under part B of title IV of the Higher Edu-
7 cation Act of 1965 (20 U.S.C. 1071 et seq.);

8 “(B) a loan made under part D or E of
9 title IV of the Higher Education Act of 1965
10 (20 U.S.C. 1087a et seq., 1087aa et seq.); and

11 “(C) a health education assistance loan
12 made or insured under part A of title VII of the
13 Public Health Service Act (42 U.S.C. 292 et
14 seq.) or under part E of title VIII of such Act
15 (42 U.S.C. 297a et seq.).

16 “(b) ESTABLISHMENT AND OPERATION.—

17 “(1) IN GENERAL.—The Director of the Office
18 of Personnel Management shall, in order to recruit
19 or retain highly qualified professional personnel, es-
20 tablish a pilot program under which the head of an
21 agency may agree to repay (by direct payments on
22 behalf of the employee) any student loan previously
23 taken out by such employee if the employee is em-
24 ployed by the agency in a national security position.

1 “(2) TERMS AND CONDITIONS OF PAYMENT.—

2 Payments under this section shall be made subject
3 to such terms, limitations, or conditions as may be
4 mutually agreed to by the agency and employee con-
5 cerned.

6 “(3) PAYMENTS.—The amount paid by the
7 agency on behalf of an employee under this section
8 may not exceed \$10,000 towards the remaining bal-
9 ance of the student loan for each year that the em-
10 ployee remains in service in the position, except that
11 the employee must remain in such position for at
12 least 3 years. The maximum amount that may be
13 paid on behalf of an employee under this paragraph
14 shall be \$80,000.

15 “(4) LIMITATION.—Nothing in this section
16 shall be considered to authorize an agency to pay
17 any amount to reimburse an employee for any repay-
18 ments made by such employee prior to the agency’s
19 entering into an agreement under this section with
20 such employee.

21 “(5) RULE OF CONSTRUCTION.—Nothing in
22 this section shall be construed—

23 “(A) to affect student loan repayment pro-
24 grams existing on the date of enactment of this
25 section;

1 “(B) to revoke or rescind any such existing
2 law;

3 “(C) to authorize the Office of Personnel
4 Management to determine national security po-
5 sitions for any other purpose other than to
6 make such determinations as are required by
7 this section in order to carry out the purposes
8 of this section; or

9 “(D) as a basis for determining the exemp-
10 tion of any position from inclusion in a bar-
11 gaining unit pursuant to chapter 71 of title 5,
12 United States Code, or from the right of any
13 incumbent of a national security position deter-
14 mined by the Office of Personnel Management
15 pursuant to this section, from entitlement to all
16 rights and benefits under such chapter.

17 “(6) FUND.—As part of the program estab-
18 lished under paragraph (1), the Director shall estab-
19 lish a fund within the Office of Personnel Manage-
20 ment to be used by agencies to provide the repay-
21 ments authorized under the program.

22 “(c) GENERAL PROVISIONS.—

23 “(1) COORDINATION.—The Director of the Of-
24 fice of Personnel Management shall coordinate the
25 program established under this section with the

1 heads of agencies to recruit employees to serve in
2 national security positions.

3 “(2) REPORTS.—

4 “(A) ALLOCATION AND IMPLEMENTA-
5 TION.—Not later than 6 months after the date
6 of enactment of this section, the Director of the
7 Office of Personnel Management shall report to
8 the appropriate committees of Congress on the
9 manner in which the Director will allocate
10 funds and implement the program under this
11 section.

12 “(B) STATUS AND SUCCESS.—Not later
13 than 4 years after the date of enactment of this
14 section, the Director of the Office of Personnel
15 Management shall report to the appropriate
16 Committees on Congress on the status of the
17 program and its success in recruiting and re-
18 taining employees for national security posi-
19 tions.

20 “(d) INELIGIBLE EMPLOYEES.—An employee shall
21 not be eligible for benefits under this section if such
22 employee—

23 “(1) occupies a position that is excepted from
24 the competitive service because of its confidential,

1 policy-determining, policy-making, or policy-advo-
2 cating character; or

3 “(2) does not occupy a national security posi-
4 tion.

5 “(e) TERMS OF AGREEMENT.—

6 “(1) IN GENERAL.—An employee selected to re-
7 ceive benefits under this section shall agree in writ-
8 ing, before receiving any such benefit, that the em-
9 ployee will—

10 “(A) remain in the service of the agency in
11 a national security position for a period to be
12 specified in the agreement, but not less than 3
13 years, unless involuntarily separated; and

14 “(B) if separated involuntarily on account
15 of misconduct, or voluntarily, before the end of
16 the period specified in the agreement, repay to
17 the Government the amount of any benefits re-
18 ceived by such employee from that agency
19 under this section.

20 “(2) SERVICE WITH OTHER AGENCY.—The re-
21 payment provided for under paragraph (1)(B) may
22 not be required of an employee who leaves the serv-
23 ice of such employee’s agency voluntarily to enter
24 into the service of any other agency unless the head
25 of the agency that authorized the benefits notifies

1 the employee before the effective date of such em-
2 ployee's entrance into the service of the other agency
3 that repayment will be required under this sub-
4 section.

5 “(3) RECOVERY OF AMOUNTS.—If an employee
6 who is involuntarily separated on account of mis-
7 conduct or who (excluding any employee relieved of
8 liability under paragraph (2)) is voluntarily sepa-
9 rated before completing the required period of serv-
10 ice fails to repay the amount provided for under
11 paragraph (1)(B), a sum equal to the amount out-
12 standing is recoverable by the Government from the
13 employee (or such employee's estate, if applicable)
14 by—

15 “(A) setoff against accrued pay, compensa-
16 tion, amount of retirement credit, or other
17 amount due the employee from the Government;
18 and

19 “(B) such other method as is provided for
20 by law for the recovery of amounts owing to the
21 Government.

22 “(4) WAIVER.—The head of the agency con-
23 cerned may waive, in whole or in part, a right of re-
24 covery under this subsection if it is shown that re-

1 covery would be against equity and good conscience
2 or against the public interest.

3 “(5) CREDITING OF ACCOUNT.—Any amount
4 repaid by, or recovered from, an individual (or an es-
5 tate) under this subsection shall be credited to the
6 appropriation account from which the amount in-
7 volved was originally paid. Any amount so credited
8 shall be merged with other sums in such account
9 and shall be available for the same purposes and pe-
10 riod, and subject to the same limitations (if any), as
11 the sums with which merged.

12 “(f) TERMINATION OF REPAYMENT.—An employee
13 receiving benefits under this section from an agency shall
14 be ineligible for continued benefits under this section from
15 such agency if the employee—

16 “(1) separates from such agency; or

17 “(2) does not maintain an acceptable level of
18 performance, as determined under standards and
19 procedures which the agency head shall by regula-
20 tion prescribe.

21 “(g) EQUAL EMPLOYMENT.—In selecting employees
22 to receive benefits under this section, an agency shall, con-
23 sistent with the merit system principles set forth in para-
24 graphs (1) and (2) of section 2301(b) of this title, take
25 into consideration the need to maintain a balanced work-

1 force in which women and members of racial and ethnic
2 minority groups are appropriately represented in Govern-
3 ment service.

4 “(h) ADDITIONAL BENEFIT.—Any benefit under this
5 section shall be in addition to basic pay and any other
6 form of compensation otherwise payable to the employee
7 involved.

8 “(i) APPROPRIATIONS AUTHORIZED.—For the pur-
9 pose of enabling the Federal Government to recruit and
10 retain employees critical to our national security pursuant
11 to this section, there are authorized to be appropriated
12 such sums as may be necessary to carry out this section
13 for each fiscal year.

14 “(j) LENGTH OF PROGRAM.—The program under
15 this section shall remain in effect for the 5-year period
16 beginning on the date of enactment of this section. The
17 program shall continue to pay employees recruited under
18 this program who are in compliance with this section their
19 benefits through their commitment period regardless of
20 the preceding sentence.

21 “(k) REGULATIONS.—Not later than 2 months after
22 the date of enactment of this section, the Director of the
23 Office of Personnel Management shall propose regulations
24 to carry out this section. Not later than 6 months after
25 the date on which the comment period for the regulations

1 proposed under the preceding sentence ends, the Secretary
 2 shall promulgate final regulations to carry out this sec-
 3 tion.”.

4 **TITLE II—FELLOWSHIPS FOR**
 5 **GRADUATE STUDENTS TO**
 6 **ENTER FEDERAL SERVICE**

7 **SEC. 201. FELLOWSHIPS FOR GRADUATE STUDENTS TO**
 8 **ENTER FEDERAL SERVICE.**

9 Subchapter VII of chapter 53 of title 5, United States
 10 Code, as amended by section 101, is further amended by
 11 inserting after section 5379A, the following:

12 **“§ 5379B. Fellowships for graduate students to enter**
 13 **federal service**

14 “(a) DEFINITIONS.—In this section:

15 “(1) AGENCY.—The term ‘agency’ means an
 16 agency of the Department of Defense, the Depart-
 17 ment of State, the Department of Energy, the De-
 18 partment of the Treasury, the Department of Jus-
 19 tice, the National Security Agency, and the Central
 20 Intelligence Agency, and other Federal Government
 21 agencies as determined by the National Security
 22 Service Board under subsection (f).

23 “(2) DIRECTOR.—The term ‘Director’ means
 24 the Director of the Office of Personnel Management.

1 “(3) INSTITUTION OF HIGHER EDUCATION.—

2 The term ‘institution of higher education’ has the
3 meaning given to such term in section 101 of the
4 Higher Education Act of 1965 (20 U.S.C. 1001).

5 “(4) NATIONAL SECURITY POSITION.—The
6 term ‘national security position’ means an employ-
7 ment position determined by the Director of the Of-
8 fice of Personnel Management for the purposes of a
9 program established for Fellowships for Graduate
10 Students to Enter Federal Services as established
11 under this section, in consultation with an agency, to
12 involve important homeland security applications.

13 “(5) SCIENCE.—The term ‘science’ means any
14 of the natural and physical sciences including chem-
15 istry, biology, physics, and computer science. Such
16 term does not include any of the social sciences.”.

17 “(b) IN GENERAL.—The Director shall establish and
18 implement a program for the awarding of fellowships (to
19 be known as ‘National Security Fellowships’) to graduate
20 students who, in exchange for receipt of the fellowship,
21 agree to employment with the Federal Government in a
22 national security position.

23 “(c) ELIGIBILITY.—To be eligible to participate in
24 the program established under subsection (b), a student
25 shall—

1 “(1) have been accepted into a graduate school
2 program at an accredited institution of higher edu-
3 cation within the United States and be pursuing or
4 intend to pursue graduate education in the United
5 States in the disciplines of foreign languages,
6 science, mathematics, engineering, or other inter-
7 national fields that are critical areas of national se-
8 curity (as determined by the Director);

9 “(2) be a United States citizen, United States
10 national, permanent legal resident, or citizen of the
11 Freely Associated States; and

12 “(3) agree to employment with an agency or of-
13 fice of the Federal Government in a national secu-
14 rity position.

15 “(d) SERVICE AGREEMENT.—In awarding a fellow-
16 ship under the program under this section, the Director
17 shall require the recipient to enter into an agreement
18 under which, in exchange for such assistance, the
19 recipient—

20 “(1) will maintain satisfactory academic
21 progress (as determined in accordance with regula-
22 tions issued by the Director) and provide regularly
23 scheduled updates to the Director on the progress of
24 their education and how their employment continues

1 to relate to a national security objective of the Fed-
2 eral Government;

3 “(2) will, upon completion of such education, be
4 employed by the agency for which the fellowship was
5 awarded for a period of at least 3 years as specified
6 by the Director; and

7 “(3) agrees that if the recipient is unable to
8 meet either of the requirements described in para-
9 graph (1) or (2), the recipient will reimburse the
10 United States for the amount of the assistance pro-
11 vided to the recipient under the fellowship, together
12 with interest at a rate determined in accordance
13 with regulations issued by the Director, but not
14 higher than the rate generally applied in connection
15 with other Federal education loans.

16 “(e) FEDERAL EMPLOYMENT ELIGIBILITY.—If a re-
17 cipient of a fellowship under this section demonstrates to
18 the satisfaction of the Director that, after completing their
19 education, the recipient is unable to obtain a national se-
20 curity position in the Federal Government because such
21 recipient is not eligible for a security clearance or other
22 applicable clearance necessary for such position, the Direc-
23 tor may permit the recipient to fulfill the service obligation
24 under the agreement under subsection (d) by teaching
25 math, science, or foreign languages, or by performing re-

1 search, at an institution of higher education, for a period
 2 of not less than 3 years, in the area of study for which
 3 the fellowship was awarded.

4 “(f) FELLOWSHIP SELECTION.—

5 “(1) IN GENERAL.—The Director shall consult
 6 and cooperate with the National Security Service
 7 Board established under paragraph (2) in the selec-
 8 tion and placement of national security fellows under
 9 this section.

10 “(2) NATIONAL SECURITY SERVICE BOARD.—

11 “(A) ESTABLISHMENT OF BOARD.—There
 12 is established the National Security Service
 13 Board.

14 “(B) MEMBERSHIP.—The Board shall be
 15 composed of—

16 “(i) the Director of the Office of Per-
 17 sonnel Management, who shall serve as the
 18 chairperson of the Board;

19 “(ii) the Secretary of Defense;

20 “(iii) the Secretary of State;

21 “(iv) the Secretary of the Treasury;

22 “(v) the Attorney General;

23 “(vi) the Director of the Central Intel-
 24 ligence Agency;

1 “(vii) the Director of the Federal Bu-
 2 reau of Investigations;

3 “(viii) the Director of the National
 4 Security Agency;

5 “(ix) the Secretary of Energy;

6 “(x) the Director of the Office of
 7 Science and Technology Policy; and

8 “(xi) 2 employees, to be appointed by
 9 each of the officials described in clauses
 10 (ii) through (ix), of each Department for
 11 which such officials have responsibility for
 12 administering, of whom—

13 “(I) 1 shall perform senior level
 14 policy functions; and

15 “(II) 1 shall perform human re-
 16 sources functions.

17 “(C) FUNCTIONS.—The Board shall carry
 18 out the following functions:

19 “(i) Develop criteria for awarding fel-
 20 lowships under this section.

21 “(ii) Provide for the wide dissemina-
 22 tion of information regarding the activities
 23 assisted under this section.

24 “(iii) Establish qualifications for stu-
 25 dents desiring fellowships under this sec-

tion, including a requirement that the student have a demonstrated commitment to the study of the discipline for which the fellowship is to be awarded.

“(iv) Provide the Director semi-annually with a list of fellowship recipients, including an identification of their skills, who are available to work in a national security position.

“(v) Not later than 30 days after a fellowship recipient completes the study or education for which assistance was provided under this section, work in conjunction with the Director to make reasonable efforts to hire and place the fellow in an appropriate national security position.

“(vi) Review the administration of the program established under this section.

“(vii) Develop and provide to Congress a strategic plan that identifies the skills needed by the Federal national security workforce and how the provisions of this Act, and related laws, regulations, and policies will be used to address such needs.

1 “(viii) Carry out additional functions
2 under section 301 of the Homeland Secu-
3 rity Federal Workforce Act of 2001.

4 “(g) SPECIAL CONSIDERATION FOR CURRENT FED-
5 ERAL EMPLOYEES.—

6 “(1) SET ASIDE OF FELLOWSHIPS.—Twenty
7 percent of the fellowships awarded under this section
8 shall be set aside for Federal employees who are
9 working in national security positions on the date of
10 enactment of this section to enhance the education
11 and training of such employees in areas important
12 to national security.

13 “(2) FULL- OR PART-TIME EDUCATION.—Fed-
14 eral employees who are awarded fellowships under
15 paragraph (1) shall be permitted to obtain advanced
16 education under the fellowship on a full-time or
17 part-time basis.

18 “(3) PART-TIME EDUCATION.—A Federal em-
19 ployee who pursues education or training under a
20 fellowship under paragraph (1) on a part-time basis
21 shall be eligible for a stipend in an amount which,
22 when added to the employee’s part-time compensa-
23 tion, does not exceed \$21,500 per year.

24 “(h) FELLOWSHIP SERVICE.—Any individual under
25 this section who is employed by the Federal Government

1 in a national security position shall be able to count the
2 time that the individual spent in the fellowship program
3 towards the time requirement for a reduction in student
4 loans as described in section 5379A.

5 “(i) AMOUNT OF AWARD.—A National Security Fel-
6 low who complies with the requirements of this section
7 may receive funding under the fellowship for up to 3 years
8 at an amount determined appropriate by the Director, but
9 not to exceed the sum of—

10 “(1) the amount of tuition paid by the fellow;
11 and

12 “(2) a stipend of \$21,500 per year.

13 “(j) APPROPRIATIONS AUTHORIZED.—For the pur-
14 pose of enabling the Director to recruit and retain highly
15 qualified employees in national security positions, there
16 are authorized to be appropriated \$100,000,000 for fiscal
17 year 2002, and such sums as may be necessary for each
18 subsequent fiscal year.

19 “(k) RULE OF CONSTRUCTION.—Noting in this sec-
20 tion shall be construed—

21 “(1) to authorize the Office of Personnel Man-
22 agement to determine national security positions for
23 any other purpose other than to make such deter-
24 minations as are required by this section in order to
25 carry out the purposes of this section; and

1 “(2) as a basis for determining the exemption
 2 of any position from inclusion in a bargaining unit
 3 pursuant to chapter 71 of title 5, United States
 4 Code, or from the right of any incumbent of a na-
 5 tional security position determined by the Office of
 6 Personnel Management pursuant to this section,
 7 from entitlement to all rights and benefits under
 8 such chapter.”.

9 **TITLE III—NATIONAL SECURITY** 10 **SERVICE CORPS**

11 **SEC. 301. NATIONAL SECURITY SERVICE CORPS.**

12 (a) FINDINGS AND PURPOSES.—

13 (1) FINDINGS.—Congress finds that—

14 (A) a proficient national security workforce
 15 requires certain skills and knowledge, and effec-
 16 tive professional relationships; and

17 (B) a national security workforce will ben-
 18 efit from the establishment of a National Secu-
 19 rity Service Corps.

20 (2) PURPOSES.—The purposes of this section 21 are to—

22 (A) provide mid-level employees in national
 23 security positions within agencies the oppor-
 24 tunity to broaden their knowledge through ex-
 25 posure to other agencies;

1 (B) expand the knowledge base of national
 2 security agencies by providing for rotational as-
 3 signments of their employees at other agencies;

4 (C) build professional relationships and
 5 contacts among the employees and agencies of
 6 the national security community; and

7 (D) invigorate the national security com-
 8 munity with exciting and professionally reward-
 9 ing opportunities.

10 (b) DEFINITIONS.—In this section:

11 (1) AGENCY.—The term “agency” means an
 12 agency of the Department of Defense, the Depart-
 13 ment of State, the Department of Energy, the De-
 14 partment of the Treasury, the Department of Jus-
 15 tice, and the National Security Agency.

16 (2) BOARD.—The term “Board” means the Na-
 17 tional Security Service Board established under sec-
 18 tion 5379B(f)(2) of title 5, United States Code.

19 (3) CORPS.—The term “Corps” means the Na-
 20 tional Security Service Corps.

21 (4) CORPS POSITION.—The term “corps posi-
 22 tion” means a position that—

23 (A) is a position—

24 (i) at or above GS–12 of the General
 25 Schedule; or

- 1 (ii) in the Senior Executive Service;
2 (B) the duties of which do not relate to in-
3 telligence support for policy; and
4 (C) is designated by the head of an agency
5 as a Corps position.

6 (c) GOALS AND ADMINISTRATION.—The Board
7 shall—

- 8 (1) formulate the goals of the Corps;
9 (2) resolve any issues regarding the feasibility
10 of implementing this section;
11 (3) evaluate relevant civil service rules and reg-
12 ulations to determine the desirability of seeking leg-
13 islative changes to facilitate application of the Gen-
14 eral Schedule and Senior Executive Service per-
15 sonnel systems to the Corps;
16 (4) create specific provisions for agencies re-
17 garding rotational programs;
18 (5) formulate interagency compacts and cooper-
19 ative agreements between and among agencies relat-
20 ing to—
21 (A) the establishment and function of the
22 Corps;
23 (B) incentives for individuals to participate
24 in the Corps;
25 (C) professional education and training;

1 (D)(i) the process for competition for a
2 Corps position;

3 (ii) which individuals may compete for
4 Corps positions; and

5 (iii) any employment preferences an indi-
6 vidual participating in the Corps may have
7 when returning to the employing agency of that
8 individual; and

9 (E) any other issues relevant to the estab-
10 lishment and continued operation of the Corps;
11 and

12 (6) not later than 180 days after the date of
13 enactment of this section, submit a report to the Of-
14 fice of Personnel Management on all findings and
15 relevant information on the establishment of the
16 Corps.

17 (d) CORPS.—

18 (1) PROPOSED REGULATIONS.—Not later than
19 180 days after the date on which the report is sub-
20 mitted under subsection (c)(6), the Office of Per-
21 sonnel Management shall publish in the Federal
22 Register, proposed regulations describing the pur-
23 pose, and providing for the establishment and oper-
24 ation of the Corps.

1 (2) COMMENT PERIOD.—The Office of Per-
2 sonnel Management shall provide for—

3 (A) a period of 60 days for comments from
4 all stakeholders on the proposed regulations;
5 and

6 (B) a period of 180 days following the
7 comment period for making modifications to the
8 regulations.

9 (3) FINAL REGULATIONS.—After the 180-day
10 period described under paragraph (2)(B), the Office
11 of Personnel Management shall promulgate final
12 regulations that—

13 (A) establish the Corps;

14 (B) provide guidance to agencies to des-
15 ignate Corps positions;

16 (C) provide for individuals to perform peri-
17 ods of service of not more than 2 years at a
18 Corps position within agencies on a rotational
19 basis;

20 (D) establish eligibility for individuals to
21 participate in the Corps;

22 (E) enhance career opportunities for indi-
23 viduals participating in the Corps;

1 (F) provide for the Corps to develop a
2 group of policy experts with broad-based experi-
3 ence throughout the executive branch; and

4 (G) provide for greater interaction among
5 agencies with traditional national security func-
6 tions.

7 (4) ACTIONS BY AGENCIES.—Not later than
8 180 days after the promulgation of final regulations
9 under paragraph (3), each agency shall—

10 (A) designate Corps positions;

11 (B) establish procedures for implementing
12 this section; and

13 (C) begin active participation in the oper-
14 ation of the Corps.

15 (e) ALLOWANCES, PRIVILEGES, ETC.—An employee
16 serving on a rotational basis with another agency pursuant
17 to this section is deemed to be detailed and, for the pur-
18 pose of preserving allowances, privileges, rights, seniority,
19 and other benefits with respect to the employee, is deemed
20 to be an employee of the original employing agency and
21 is entitled to the pay, allowances, and benefits from funds
22 available to that agency.

23 (f) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to the Office of Per-

1 sonnel Management such sums as may be necessary to
 2 carry out this section.

3 **TITLE IV—MISCELLANEOUS** 4 **PROVISIONS**

5 **SEC. 401. CONTENT OF STRATEGIC PLANS.**

6 Section 306(a)(3) of title 5, United States Code, is
 7 amended by inserting before the semicolon the following:
 8 “, a discussion of the extent to which specific skills in the
 9 agency’s human capital are needed to achieve the mission,
 10 goals and objectives of the agency, especially to the extent
 11 the agency’s mission, goals and objectives are critical to
 12 ensuring the national security”.

13 **SEC. 402. PERFORMANCE PLANS.**

14 Section 1115(a)(3) of title 31, United States Code,
 15 is amended by inserting before the semicolon the following:
 16 “, and should give special attention to the extent to which
 17 specific skills are needed to accomplish the performance
 18 goals and indicators that are critical to ensuring the na-
 19 tional security”.

20 **SEC. 403. GOVERNMENTWIDE PROGRAM PERFORMANCE** 21 **REPORTS.**

22 Section 1116 of title 31, United States Code, is
 23 amended—

24 (1) in subsection (b)(1), by inserting before the
 25 period the following: “, and shall specify which per-

1 performance goals and indicators are critical to ensur-
2 ing the national security”; and

3 (2) in subsection (d)(3)—

4 (A) in subparagraph (B), by striking
5 “and” at the end;

6 (B) in subparagraph (C), by adding “and”
7 after the semicolon; and

8 (C) by adding at the end the following:

9 “(D) whether human capital deficiencies in
10 any way contributed to the failure of the agency
11 to achieve the goal;”.

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